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May 27, 2008

(Via Fax 914-390-4152)  
Honorable Judge Kenneth M. Karas  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

**MEMO ENDORSED**

Re: Yuly Aronson v. Anthony Branca  
07 CIV 9405

Dear Judge Karas:

As you may recall, I represent the Plaintiff in the above matter. Counsel for Defendant and I appeared before Judge Yanthis this morning and I am pleased to represent to you that His Honor satisfactorily resolved the document issues that had previously existed relating to the issued subpoenas. The only issue that remains, however, is the deposition of Defendant Branca.

As discussed with Your Honor during the last telephonic conference, I had served counsel for Defendant with a Subpoena to take the deposition of his client and had set the deposition date for May 23, 2008. As an accommodation to counsel for Defendant since he was leaving for an early Memorial Day vacation, we agreed to adjourn the deposition until June 2, 2008.

Just before entering the courtroom of Judge Yanthis today, counsel for Defendant advised me that his client was not available for the deposition on June 2<sup>nd</sup>, and that "when he advised me that June 2nd was acceptable, that he meant it was acceptable to him personally". I respectfully disagree with that statement, but nevertheless, the fact remains that Defendant does not appear to be available on June 2<sup>nd</sup> for the deposition.

Judge Yanthis Ordered that the deposition occur before June 4<sup>th</sup>, in deference to the scheduled hearing before Your Honor, and counsel for Defendant has advised me that his client is only available on June 3, 2008-- the day before the hearing before Your Honor. I believe that the deposition of Defendant will take longer than one day given the issues involved and the documents that we have received through discovery and which have now been ordered to be produced.

I am writing to you today Your Honor to ask for the final adjournment of this matter so that I can properly take the deposition of Defendant and present a tight and

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coherent case to your Honor now that Judge Yanthis has Ordered the production of certain documents that I requested.

I have sought the consent of Counsel for Defendant to this request, and he is unable to consent based upon his client's instructions not to consent to the request. This is similar to the reasoning for the lack of consent to Amend the Compliant to include Smith Barney, which Your Honor has recently granted notwithstanding.

I will make myself available for the rescheduling of this matter any time during the months of June or July, except June 5<sup>th</sup> and during the period of June 16th through 24<sup>th</sup>, 2008. As an side, I will be out of my office for the remainder of today and tomorrow and will not be receiving facsimiles during that time, but if Your Honor requires an immediate phone conference to discuss this matter, I humbly ask that a message be left for me on voice mail to that effect.

Very Truly Yours,

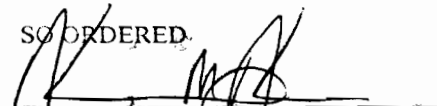


Brian H. Reis

Cc: Peter Goodrich (Via Fax 914-683-6770)

The Court will adjourn for the last time,  
the hearing until July 14, 2008, leaving in place  
the TRO originally entered in this case. The hearing  
will begin at 10 am.

SO ORDERED.

  
KENNETH M. KARAS, U.S.D.J.  
5/28/08